

**CRGNSA CONSISTENCY DETERMINATION**  
**REMOVAL OF UNAUTHORIZED ROAD AND CULVERT, CD-16-05-S**  
**DEREK HOYTE**  
**T01N R05E S17&22**  
**COLUMBIA RIVER GORGE NATIONAL SCENIC AREA**  
**SKAMANIA COUNTY, WA**  
**AUGUST 8, 2016**

**BACKGROUND**

The proposed removal of an unauthorized road and culvert by Derek Hoyte is required to be consistent with the purposes of the Columbia River Gorge National Scenic Area Act as determined by the Forest Service pursuant to Section 14(d) of the Columbia River Gorge National Scenic Area Act. A complete consistency review application was received by my office on June 22, 2016.

**DECISION**

I find that the above proposal is consistent with the Columbia River Gorge National Scenic Area (CRGNSA) Management Plan provided that it is implemented as described in the application materials, the *Mitigation Plan for the Columbia Crest Partners Site*, and the CRGNSA Consistency Determination Findings of Fact (referenced as CD-16-05-S), and provided the following conditions are applied:

1. Should any historic or prehistoric cultural resources be uncovered during project activities, the applicant shall cease work and immediately notify the CRGNSA office and the Washington Office of Archeology and Historical Preservation. The applicant will also notify the Indian Tribal governments within 24 hours if the resources are prehistoric or otherwise associated with Native American Indians.

**ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES**

A written request for review of the Consistency Determination, with reasons to support the request, must be received within 20 days of the date shown with the Area Manager signature below. Requests for review should be addressed to: Request for CRGNSA Review, Regional Forester, P.O. Box 3623, Portland, OR 97208.

## IMPLEMENTATION DATE

This project may begin immediately as long as it complies with the conditions above. This decision expires two years after the date on this determination. If implementation has not commenced before that date, a new consistency review or extension shall be required.

## CONTACT

The Columbia River Gorge National Scenic Area staff prepared an analysis file in conjunction with this project. For further information, contact Robin Shoal at the Columbia River Gorge National Scenic Area, phone: (541) 308-1716, e-mail: rshoal@fs.fed.us.



LYNN BURDITT

Area Manager

August 9, 2016

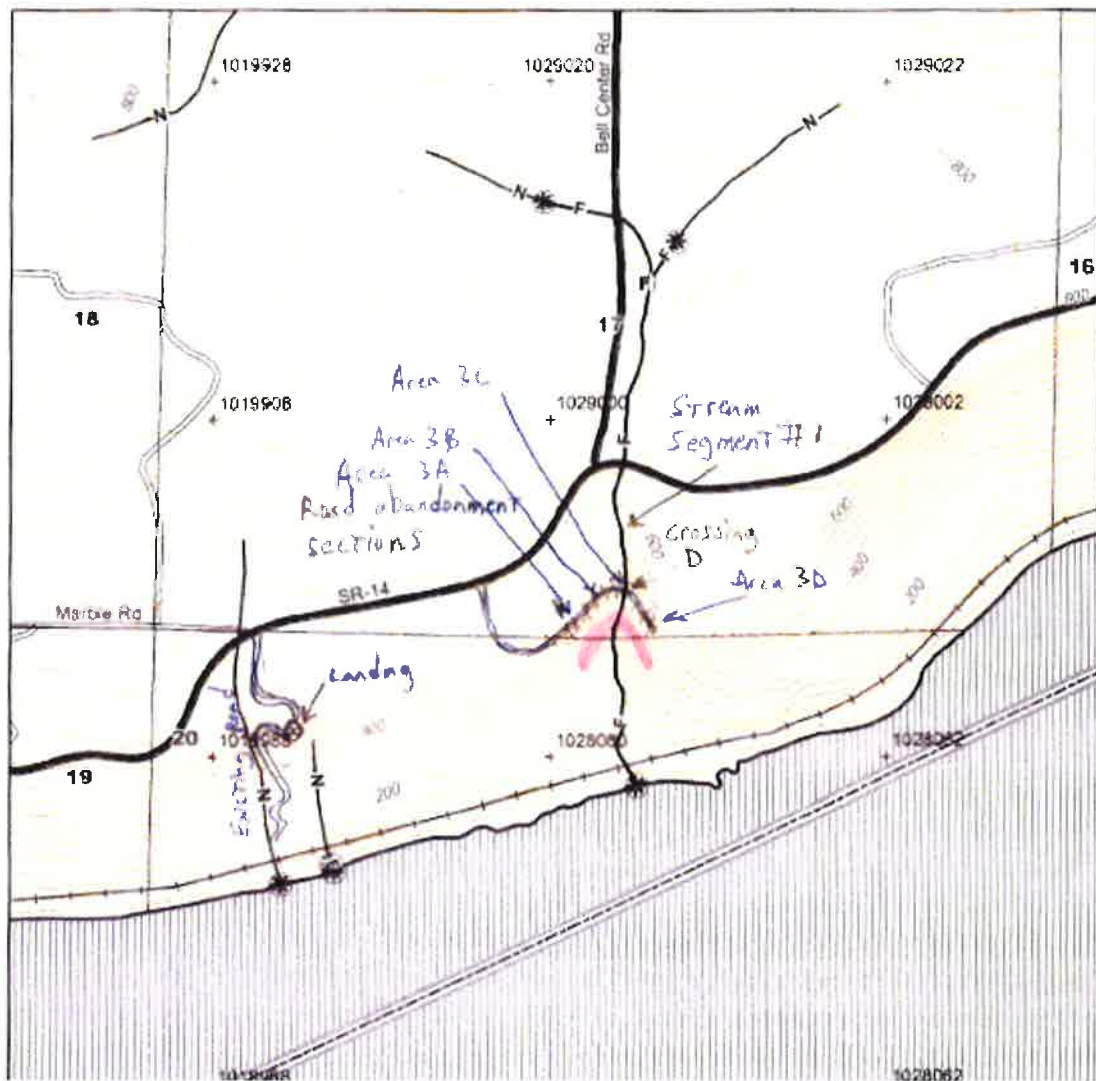
Date

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## FINDINGS OF FACT

<b>LANDOWNER:</b>	Derek Hoyte
<b>PROPOSED ACTION:</b>	Removal of unauthorized road and culvert
<b>LOCATION:</b>	Township Range Section T01 R05 S 17&20 Tax lot ID: 01052000010000 UTM:
<b>NATIONAL SCENIC AREA DESIGNATION:</b>	Special Management Area
<b>LAND USE DESIGNATION:</b>	SMA Open Space, SMA Agriculture
<b>LANDSCAPE SETTING</b>	Coniferous Woodlands, Pastoral

### Vicinity Map:



## FINDINGS OF FACT:

The following findings of fact contain the applicable standards and guidelines from the CRGNSA Management Plan. The Management Plan, as adopted in 2004 and updated in 2011, is in effect. The CRGNSA Management Plan standards and guidelines are displayed in regular type. The findings are displayed in **bold type**.

### A. PUBLIC COMMENT

A notice describing the project was sent to a mailing list of known interested parties and adjacent landowners on Friday July 8, 2016. A period of 30 days was allowed for public comment. The following comments were received:

- Gifford Pinchot Accountability Group recommended that the project move forward as quickly as possible.
- An adjacent landowner requested additional information regarding which areas were being addressed, how neighboring properties might be affected, and when the project would take place.
- Another adjacent landowner indicated that there are some unstable slopes on the Hoyte property that were not correctly identified in the application, that the list of adjacent property owners submitted with the application was incomplete, and that the property is visible from two KVAs that were not checked on the application.

### B. PROJECT PROPOSAL

Removal of a road and culvert that were constructed without permits or authorization on a property with a US Forest Service conservation easement. This activity requires a forest practices permit from Washington State Department of Natural Resources.

### C. LAND USE DESIGNATIONS

SMA Open Space and SMA Agriculture. Most project activities are within the SMA Open Space designation.

*The Management Plan, Part II, Chapter 3 (Open Space), SMA guidelines, states:*

1. An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed by the Forest Service. The Open Space plan shall include the following:

- A. Direction for resource protection, enhancement, and management.
- B. Review of existing uses to determine compatibility with Open Space values.
- C. Consultation with members of the public and with agency and resource specialists.

**Finding: The parcel is within the area covered by the 2002 Western Washington Columbia River Tributaries Watershed Analysis. The Watershed Analysis serves as the Open Space plan for this proposal.**

2. The following new uses may be allowed on lands designated Open Space subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines:

B. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include vegetation management and forest practices (subject to the forest practice guidelines of Part II, Chapter 2: Forest Land) for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

**Finding: The proposal is to remove an unauthorized road and culvert, and restore the roadbed and streambed as close to undisturbed conditions as possible. The roadbed will be fully outsloped to restore the natural hillside contour. The activities are consistent with a resource enhancement project. The proposal is an allowed review use. Because the activities proposed are considered Forest Practice activities by the WA Department of Natural Resources (DNR), a DNR Forest Practices Application is required, and has been submitted.**

*The Management Plan, Part II, Chapter 1 (Agricultural Land), SMA guidelines, states:*

1. The following uses may be allowed on lands designated Agriculture subject to review for compliance with the scenic, cultural, natural, and recreation resource guidelines. The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock.

R. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

**Finding: The proposal is to remove an unauthorized road and culvert, and restore the roadbed and streambed as close to undisturbed conditions as possible. The roadbed will be fully outsloped to restore the natural hillside contour. The activities are consistent with a resource enhancement project. The proposal is an allowed review use. Because the activities proposed are considered Forest Practice activities by the WA Department of Natural Resources (DNR), a DNR Forest Practices Application is required, and has been submitted.**

*The Management Plan, Part II, Chapter 7 (General Policies and Guidelines) states:*

Resource Enhancement Projects

GMA/SMA Guidelines

1. Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project.

**Finding: The mitigation plan developed for the proposal describes the goals and benefits of the project, and documents current and post-project conditions.**



## D. SCENIC RESOURCES

*The Management Plan, Part I, Chapter 1 (Scenic Resources), SMA guidelines, states:*

### SMA Design Guidelines Based on Landscape Settings

1. The following guidelines apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):

A. Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

- (1) The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows, as commonly found in the landscape setting, is encouraged.

**Finding: The proposed activities are located in the Coniferous Woodland landscape setting.**

B. Coniferous Woodland and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous Woodland and Oak-Pine Woodland landscape.

- (1) Buildings shall be encouraged to have a vertical overall appearance in the Coniferous Woodland landscape setting and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.
- (2) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

**Findings: No buildings are proposed, so B(1) is not applicable. The proposed activity is guided by and will be implemented in a manner consistent with the March 18, 2015 *Mitigation Plan for the Columbia Crest Partners Site* that was developed for the property. Plant species used for revegetation of areas disturbed by the road and culvert removal will be species native to the landscape setting.**

1. The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas.

**Finding: The site is topographically visible from multiple KVAs: Historic Columbia River Highway; Columbia River; Portland Women's Forum State Park; Crown Point; Rooster Rock State Park; Highway I-84; and potentially from Larch Mountain. The following guidelines apply.**

2. New developments and land uses shall be evaluated to ensure that the required scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from key viewing areas.
3. The required SMA scenic standards for all development and uses are summarized in the following table:

<b>Required SMA Scenic Standards</b>		
<b>LANDSCAPE SETTING</b>	<b>LAND USE DESIGNATION</b>	<b>SCENIC STANDARD</b>
<b>Coniferous Woodland,</b> Oak-Pine Woodland	Forest (National Forest Lands), <b>Open Space</b>	<b>Not Visually Evident</b>
River Bottomlands	Open Space	Not Visually Evident
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	Not Visually Evident
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	Visually Subordinate
Residential	Residential	Visually Subordinate
Pastoral	Forest, Agriculture, Public Recreation, Open Space	Visually Subordinate
River Bottomlands	Forest, Agriculture, Public Recreation	Visually Subordinate

4. In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.
5. Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.
6. The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.
  - A. Decisions shall include written findings addressing the factors influencing the degree of visibility, including but not limited to:
    - (1) The amount of area of the building site exposed to key viewing areas,
    - (2) The degree of existing vegetation providing screening,
    - (3) The distance from the building site to the key viewing areas from which it is visible,
    - (4) The number of key viewing areas from which it is visible, and
    - (5) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).
  - B. Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen from key viewing areas, including but not limited to:
    - (1) Siting (location of development on the subject property, building orientation, and other elements),
    - (2) Retention of existing vegetation,
    - (3) Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and
    - (4) New landscaping.
7. Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant

or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

**Findings: The scenic standard is Not Visually Evident. No structures or new development are proposed, therefore guidelines 8-13 do not apply. The site is fully screened by existing mature vegetation, none of which will be removed. No vegetation will be removed outside of the already disturbed area. Disturbed areas will be revegetated with appropriate native plant species. The Not Visually Evident scenic standard will be met. No additional conditions are required.**

**Because there will be no adverse effect to scenic resources, there will be no adverse cumulative effects.**

### **SMA Guidelines for KVA Foregrounds and Scenic Routes**

**Findings: The proposed activity is not within the foreground of a KVA or Scenic Route. These guidelines do not apply.**

## **E. CULTURAL RESOURCES**

*The Management Plan, Part I, Chapter 2 (Cultural Resources), SMA Policies states:*

1. New developments or land uses shall not adversely affect significant cultural resources.
2. Federal agencies shall follow steps 1 through 5 under Guideline 4 below, for new developments or land uses on all federal lands, federally assisted projects, and forest practices.
7. The Forest Service shall be responsible for performing steps 1 through 5 under Guideline 4 for forest practices and National Forest system lands.

**Finding: The applicant has submitted a Forest Practices Application (FPA) for the proposed restoration. This policy applies.**

8. The Forest Service shall consult with the Indian tribal governments and other consulting parties in performing steps 1 through 5 under Guideline 4.

**Finding: The application was sent to interested Tribes and others for a review period and no comments specific to cultural resources were received.**

*The Management Plan, Part I, Chapter 2 (Cultural Resources), SMA Guidelines states:*

5. Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan. (Added: U.S. Sec. Ag. concurrence 7/1/11)

**Findings: The proposal was reviewed by the Forest Service Archaeologist, who determined that a cultural reconnaissance survey is not required. There are no anticipated effects to**



cultural resources. The proposal meets the requirements of the CRGNSA Management Plan for cultural resources. An archaeologist will participate in the final agency monitoring of the proposed actions.

Because there are no anticipated effects to cultural resources, there will be no cumulative effects.

A condition should be placed stating that should any historic or prehistoric cultural resources be uncovered during project activities, the applicant shall cease work and immediately notify the CRGNSA office and the Washington Office of Archeology and Historical Preservation. The applicant should also notify the Indian Tribal governments within 24 hours if the resources are prehistoric or otherwise associated with Native American Indians.

## **F. NATURAL RESOURCES**

*The Management Plan, Part II, Chapter 3 (Natural Resources), SMA guidelines, states:*

### **WATER RESOURCES (WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS)**

#### *SMA Guidelines*

1. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Comments from state and federal agencies shall be carefully considered. (Site plans are described under “Review Uses” in Part II, Chapter 7: General Policies and Guidelines.)
2. Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)
  - A. All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in 2.A.(2)(a) and 2(b) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.

**Finding:** The road to be removed crosses a small, perennial stream tributary to the Columbia River, therefore the buffer is 200 feet from each bank. The culvert and most of the road are within the buffer. These restoration activities will necessarily take place within the stream buffer.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:

**Finding:** There is no request to reconfigure any buffer zones. This guideline does not apply.

- B. When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

**Finding: No new use is proposed. The buffer was previously disturbed by the construction of the unauthorized road. All areas disturbed by the proposed restoration activities will be revegetated with native plant species.**

G. Buffer zones shall be undisturbed unless the following criteria have been satisfied:

- (1) The proposed use must have no practicable alternative as determined by the practicable alternative test. Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.
- (2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:

**Finding: No filling or draining of wetlands is proposed.**

- (3) Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a mitigation plan.

**Findings: Because the unauthorized road and culvert are within a stream buffer, removal of the culvert and obliteration of the road must necessarily occur within the buffer. There is no practicable alternative. This proposal is for the restoration of the area adversely affected by the unauthorized road and culvert. A mitigation plan was prepared by an approved contractor and has been agreed to by the Forest Service.**

H. Determination of potential natural resources effects shall include consideration of cumulative effects of proposed developments within the following areas: wetlands, streams, ponds, lakes, riparian areas and their buffer zones. (*Added: U.S. Sec. Ag. concurrence 7/1/11*)

**See Findings for I, below.**

### 3. Wildlife and Plants

- A. Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 ft of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 2, including all Priority Habitats listed in this Chapter. The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.
- B. The local government shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife or the Washington Department of Wildlife for wildlife issues and by the Oregon or Washington Natural Heritage Program for plant issues).

**Finding: No known sensitive plant or wildlife sites are within 1000 feet of the proposed activities. The proposed activities are within 1000 feet of Riparian and Wetland priority habitats.**

<b>Priority Habitats Table</b>	
<b>Priority Habitats</b>	<b>Criteria</b>
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability.
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
<b>Riparian</b>	<b>High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.</b>
<b>Wetlands</b>	<b>High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.</b>
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.

E. The wildlife/plant protection process may terminate if the local government, in consultation with the Forest Service and state wildlife agency or Heritage program, determines (1) the sensitive wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

F. If the above measures fail to eliminate the adverse affects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.

**Findings: Because the culvert and portions of the unauthorized road and are within a stream buffer, removal of the culvert and obliteration of the road must necessarily occur within the buffer. There is no practicable alternative. A mitigation plan was prepared by an approved contractor and has been agreed to by the Forest Service. The wildlife/plant protection process is complete.**

I. Determination of potential natural resources effects shall include consideration of cumulative effects of proposed developments within the following areas: 1) sites within

1,000 feet of sensitive wildlife areas and sites; and 2) sites within 1,000 feet of rare plants.  
(Added: U.S. Sec. Ag. concurrence 7/1/11)

**Cumulative effects:** The spatial boundary for the cumulative effects analysis is the ravine and surrounding pastoral area between State Highway 14 and the Columbia River. The temporal boundary is into the foreseeable future. Highway 14 crosses the upstream end of this area. The far downstream end of this small drainage is impacted by the existing railroad tracks along the north shore of the Columbia River. This area above the tracks had been undisturbed for many years prior to the construction of the unauthorized road. The removal of this road and its culvert are designed to undo, to the greatest extent possible, the adverse effects caused when the road was installed. The effects of the currently proposed activities will be to restore the previous slope contours and hydrology by removing the unauthorized road, and to return the stream to its previous free-flowing condition by removing the culvert and restoring the natural streambed. The area is all within the SMA Open Space and SMA Agriculture land use designation and there are no anticipated new developments or changes in land uses in the foreseeable future. The cumulative effects of the proposed restoration activities, when added to past and foreseeable future impacts, will be beneficial to natural resources, including the stream buffer and priority riparian and wetland habitats.

#### 4. Soil Productivity

A. Soil productivity shall be protected using the following guidelines:

- (1) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
- (2) New developments and land uses shall control all soil movement within the area shown on the site plan.
- (3) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.
- (4) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

**Finding:** The mitigation plan includes best management practices for erosion and sediment control, and standards for establishment and monitoring of erosion control groundcover and native revegetation consistent with the requirements of this section.

#### Practicable Alternative Test

1. An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.  
A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

- A. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.
- B. The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.
- C. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

**Finding – Practicable Alternative Test: The basic purpose of this project is to remediate the site-specific adverse effects of the construction of the unauthorized road and culvert. Because the culvert and portions of the unauthorized road are within a stream buffer, removal of the culvert and obliteration of the road must necessarily occur within the buffer. There is no practicable alternative location that would achieve the purpose of the proposal.**

## Mitigation Plan

1. Mitigation Plans shall be prepared when:
  - A. The proposed development or use is within a buffer zone (wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites).
  - B. There is no practicable alternative (see the “practicable alternative” test).
2. In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

**Finding: The proposal is within a buffer zone and there is no practicable alternative location for the project. The *Mitigation Plan for the Columbia Crest Partners Site* was prepared for the site by a qualified professional, and submitted to the US Forest Service for review and approval.**

6. Mitigation plans shall include maps, photographs, and text. The text shall:
  - A. Describe the biology and/or function of the sensitive resources (e.g. wildlife/plant species or wetland) that will be affected by a proposed use. An ecological assessment of the sensitive resource to be altered or destroyed and the condition of the resource that will result after restoration will be required. Reference published protection and management guidelines.
  - B. Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the sensitive resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.
  - C. Explain the techniques that will be used to protect the sensitive resources and their surrounding habitat that will not be altered or destroyed (for example, delineation of core



habitat of the sensitive wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).

D. Show how restoration, enhancement, and replacement (creation) measures will be applied to ensure that the proposed use results in minimum feasible impacts to sensitive resources, their buffer zones, and associated habitats.

E. Show how the proposed restoration, enhancement, or replacement (creation) mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a sensitive resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the local government, appropriate state agencies, and Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

7. At a minimum, a project applicant shall provide to the local government a progress report every 3 years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.
8. A final monitoring report shall be submitted to the local government for review upon completion of the restoration, enhancement, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. The local government shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the local government in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.
9. Mitigation measures to offset impacts to resources and/or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:
  - A. Restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
  - B. All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community.
  - C. Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders.
  - D. If this standard is not feasible or practical because of technical constraints, a sensitive resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the local government, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.
  - E. Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant

species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

**Finding (E): No known sensitive plant sites occur within 1000 feet of the proposed activities.**

F. Nonstructural controls and natural processes shall be used to the greatest extent practicable.

- (1) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
- (2) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as demonstrated by the 'Practicable Alternative Test'.
- (3) Fish passage shall be protected from obstruction.
- (4) Restoration of fish passage should occur wherever possible.
- (5) Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
- (6) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.
- (7) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
- (8) Streambank and shoreline stability shall be maintained or restored with natural vegetation.

**Findings: The proposed activities are components of a mitigation plan to address the adverse effects caused by the unauthorized construction of the road, installation of the culvert, and other unauthorized development and uses on the property. No new uses or development are proposed. No known sensitive plant sites occur within 1000 feet of the proposed activities. The *Mitigation Plan for the Columbia Crest Partners Site* plan is consistent with all of the relevant requirements in this section. Because there are no created wetlands proposed or required as part of this mitigation plan, guidelines F9, G, and H do not apply.**

## **G. RECREATION RESOURCES**

*The Management Plan, Part II, Chapter 4 (Recreation Resources), SMA guidelines, state:*

1. New developments and land uses shall not displace existing recreational use.
2. Recreation resources shall be protected from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both onsite and offsite cumulative effects shall be required.

**Finding: No existing recreation resources will be affected by the proposed activities. The activities are not a recreation use or development. The remaining guidelines in this section do not apply.**

## **H. CONCLUSION**

The proposed removal of an unauthorized road and removal of a culvert are consistent with the National Scenic Area Management Plan Policy and Guidelines provided they meet the criteria and conditions listed in the Findings of Fact and Consistency Determination.